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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,611	10/03/2001	Dwight Poplin	10004192-1	2702

7590 10/05/2004

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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/970,611	POPLIN, DWIGHT
	Examiner	Art Unit
	Kelly L. Jerabek	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/3/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 rejected under 35 U.S.C. 102(e) as being anticipated by Norita et al. US 2004/0169767.

Re claim 1, Norita discloses in figure 9 a flow chart of the operation of manual exposure photography of a digital camera. The camera includes an image sensor (9) for obtaining image signals and a buffer memory (82) for storing the signals (page 6, paragraphs 114-115). The image sensor (9) captures a plurality of images at different exposure times by activating the image sensor (9) after a lapse of time (T_i) and replacing the previous image signal in the buffer memory (82) with the current image signal (page 6, paragraphs 115-118). Therefore, a first image and a second image are captured using different settings of image-capturing parameters (exposure settings).

Each of the images corresponding to a different exposure setting is displayed on an LCD (51), and when an image with desired exposure is displayed on the LCD (51) a user selects that image by pressing a release button (30) (page 6, paragraphs 119-120). Therefore, the first and second images corresponding to different exposure settings are displayed as comparison images for user selection. The exposure settings of the camera are changed for each exposure time in order to obtain images of varying exposure (page 6, paragraphs 118-119). Therefore, the current settings of the image capturing parameters (exposure settings) are adjusted for each image that is written to the buffer memory (82). If the user presses the release button (30), the process goes on to step 45 and the exposure is not further changed (page 6, paragraphs 120-121). Therefore, the current settings of the image capturing parameters (exposure settings) remain the same when an image is selected by a user. Thus, the settings conform with the image selected by the user.

Re claim 2, the camera disclosed by Norita includes a signal processor (11) for processing and storing raw image data of a captured scene of interest (page 6, paragraph 115). Also, a plurality of images is captured corresponding to a plurality of exposure times (page 6, paragraph 119). Therefore, raw image data of a first image using a first setting of an image-capturing parameter (low exposure) and raw image data of a second image using a second setting of an image-capturing parameter (high exposure) is processed by the processor (11).

Re claim 3, Norita states that images of increasing exposure are sequentially captured and displayed (page 6, paragraph 119). Therefore, first and second images are captured sequentially using different settings of an image-capturing parameter (exposure times).

Re claim 4, Norita states that images are captured with different exposure settings (page 6, paragraphs 114-119). Therefore, the selected image-capturing parameter includes the exposure period.

Re claim 5, see claim 4.

Re claim 6, Norita states that the LCD (51) can display images either in sequence or in parallel after photo shooting (page 6, paragraph 124). Therefore, first and second images corresponding to different exposure settings may be simultaneously displayed.

Re claim 7, Norita states that the LCD (51) can display images either in sequence or in parallel after photo shooting (page 6, paragraph 124). Therefore, first and second images corresponding to different exposure settings may be sequentially displayed.

Re claim 8, Norita states that by repetition of the loop of figure 9 (ST 42a - ST 43) images corresponding to a plurality of exposure times are captured in order to sequentially display images brighter than the previously displayed image (page 6, paragraph 119). Therefore, since each newly captured image is brighter than the previous image it can be seen that the settings (exposure) of the previous image are used to determine a new exposure for the newly captured image in order to ensure that the new image is brighter than the previous image. Thus, it can be seen that the third image in the sequence is captured using the current settings (exposure value of previous image) of the image-capturing parameters that were adjusted to conform with one of the first and second images.

Re claim 9, the image-capturing device disclosed by Norita is a standard digital camera (page 5, paragraph 100; fig. 1).

Re claim 10, see claim 1.

Re claim 11, see claim 2.

Re claim 12, see claim 3.

Re claim 13, see claim 4.

Re claim 14, see claim 5.

Re claim 15, see claim 6.

Re claim 16, see claim 7.

Re claim 17, see claim 9.

Re claim 18, Norita discloses in figure 9 a flow chart of the operation of manual exposure photography of a digital camera. The camera includes an image sensor (9) for obtaining image signals and a signal processor (11) for processing and storing raw image data of a captured scene of interest (page 6, paragraphs 114-115). Also, a plurality of images is captured corresponding to a plurality of exposure times (page 6, paragraph 119). Therefore, raw image data of a first image using a first setting of an image-capturing parameter (low exposure) and raw image data of a second image using a second setting of an image-capturing parameter (high exposure) is processed by the processor (11). The image sensor (9) captures a plurality of images at different exposure times by activating the image sensor (9) after a lapse of time (T_i) and replacing the previous image signal in a buffer memory (82) with the current image signal (page 6, paragraphs 115-118). Therefore, a first image and a second image are captured using different settings of image-capturing parameters (exposure settings). Each of the images corresponding to a different exposure setting is displayed on an

LCD (51), and when an image with desired exposure is displayed on the LCD (51) a user selects that image by pressing a release button (30) (page 6, paragraphs 119-120). Therefore, the first and second images corresponding to different exposure settings are displayed as comparison images for user selection. The exposure settings of the camera are changed for each exposure time in order to obtain images of varying exposure (page 6, paragraphs 118-119). Therefore, the current settings of the image capturing parameters (exposure settings) are adjusted for each image that is written to the buffer memory (82). If the user presses the release button (30), the process goes on to step 45 and the exposure is not further changed (page 6, paragraphs 120-121). Therefore, the current settings of the image capturing parameters (exposure settings) remain the same when an image is selected by a user. Thus, the settings conform with the image selected by the user.

Re claim 19, Norita states that images of increasing exposure are sequentially captured and displayed in order sequentially display a brighter image than the previous one (page 6, paragraph 119). Therefore, image-capturing parameters include changing the brightness of the image.

Re claim 20, Norita states that the LCD (51) can display images either in sequence or in parallel after photo shooting (page 6, paragraph 124). Therefore, first and second images corresponding to different exposure settings may be simultaneously displayed.

Re claim 21, Norita states that the LCD (51) can display images either in sequence or in parallel after photo shooting (page 6, paragraph 124). Therefore, first and second images corresponding to different exposure settings may be sequentially displayed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shinsky et al. (US 6,285,398) discloses a charge-coupled device video camera with raw data format output and software implemented camera signal processing. The information regarding a user changing the image-capturing parameters of a camera is pertinent material.

Contacts

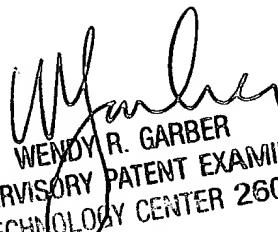
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number

for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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